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Hon. Mary Jo Heston
Chapter 11
Hearing Date: 01/14/2021
Hearing Time: 9:30 a.m.
Hearing Location: Telephonic
Tel. 1-888-363-4749, Access Code
5635947#, security code 3887#
Response Date: 01/07/2021

Attorneys for Creditor Cerner Middle East Limited

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT TACOMA**

In re:

VANDEVCO LIMITED and ORLAND LTD.,
Debtors.

Case Nos:

20-42710-MJH (Lead Case)

20-42711-MJH (Jointly administered under
Case No. 20-42710-MJH)

MOTION TO MODIFY THE AUTOMATIC STAY TO PROCEED WITH NONBANKRUPTCY LITIGATION

NOTICE

TO ALL INTERESTED PARTIES, PLEASE TAKE NOTICE that Cerner Middle East

Limited's Motion To Modify the Automatic Stay to Proceed with Nonbankruptcy Litigation is set for hearing on January 14, 2021 at 9:00 a.m. The hearing will be conducted telephonically and you may appear by calling 1-888-363-4749, Access Code 5635947#, security code 3887#. Any party opposing the motion must file and serve a written response by the January 7, 2021 response date and if no response is filed by the response date, the court may in its discretion grant the motion prior to the hearing without further notice.

MOTION

24 Pursuant to 11 U.S.C. § 362(d), Cerner Middle East Limited, by and through its counsel,
25 Holland & Knight LLP, moves this Court for an Order modifying the automatic stay to permit
26 Cerner and Debtor to proceed with nonbankruptcy litigation in Washington state court, which

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1 litigation was scheduled for a continuing evidentiary hearing the day following Debtor's
2 bankruptcy filing. The accompanying Memorandum and Declaration of Garrett S. Garfield support
3 this Motion. A proposed form of order granting this motion is attached as **Exhibit A**.

4 DATED December 21, 2020.

5 Respectfully submitted,

6 HOLLAND & KNIGHT LLP

7 By: s/ Garrett S. Garfield

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11 *Attorneys for Creditor Cerner Middle East Limited*

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Exhibit A

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT TACOMA**

In re:

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Debtors.

Case Nos:

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20-42711-MJH (Jointly administered under
Case No. 20-42710-MJH)

ORDER MODIFYING THE AUTOMATIC STAY TO PROCEED WITH NONBANKRUPTCY LITIGATION

Upon the Motion (“**Motion**”) of Cerner Middle East Limited (“**Cerner**”) seeking modification of the automatic stay to proceed with nonbankruptcy litigation against debtor Vandevco Limited (“**Vandevco**”) in the case styled *Cerner Middle East Limited v. Belbadi Enterprises*, Clark County Case No. 16-2-01395-7 (the “**Litigation**”), pending before the Superior Court of Washington, Clark County (“**Clark County Superior Court**”), as well as the December 21, 2020 Declaration of Garrett S. Garfield and Cerner’s Memorandum of Points and Authorities both in support of the Motion, and the hearing and all proceedings and pleadings before the Court in connection with the Motion; the Court having jurisdiction over this matter pursuant to 28 U.S.C.

ORDER MODIFYING AUTOMATIC STAY
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1 §§1334 and 157(b); due and proper notice of the Motion, presentation of this Order, and the hearing
2 on the Motion being provided, and no other or further notice being necessary; and any objections
3 to the relief presented and provided in this Order having been withdrawn and/or overruled on the
4 merits:

5 IT IS HEREBY ORDERED that:

6 1. The Motion is GRANTED as set forth herein;

7 2. Pursuant to section 362(d)(1) of the Bankruptcy Code, the automatic stay shall be
8 modified to permit all parties to proceed with the Litigation in the Clark County Superior Court,
9 for purposes of the determination of liability and enforcement of any and all orders entered in the
10 Litigation;

11 3. This Order shall be immediately effective upon entry on the docket in this case; the
12 14-day stay provided by Fed. R. Bankr. P 4001(a)(3) is hereby waived;

13 4. This Order is binding against all parties in these chapter 11 cases;

14 5. Cerner is authorized to take all actions necessary to effectuate the relief granted
15 pursuant to this Order; and

16 6. The Court shall retain jurisdiction to hear and determine all matters arising from or
17 related to the implementation, enforcement, or interpretation of this Order.

18 /// End of Order ///

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20 Presented by:

21 HOLLAND & KNIGHT LLP

22 By: s/ Garrett S. Garfield

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26 *Attorneys for Creditor Cerner Middle East Limited*

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